

## **The Politics of Exclusion: Embedded Racism and Japan's Pilot Refugee Resettlement Programme**

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**ABSTRACT:** This paper discusses the socio-political significance of Japan's Pilot Refugee Resettlement Program (RRP). It asks three questions: why Japan adopted this program, why the program has failed to meet its targets, and whether this program signals a significant shift in Japan's restrictive policies towards refugees and immigration more broadly. Insights from critical race theory suggest that the context of race remains a key determinant for understanding Japan's historical and contemporary refugee policies and discourse. The paper concludes that embedded racism was prevalent in decisions surrounding the Pilot RRP and as such, despite the appearance of change, race continues to be solidly rooted in Japan's policies and discourses. In such light, any serious strategy to revamp immigration and refugee policies in Japan needs to bring the country's history of racism to the forefront of the discussion.

**KEYWORDS:** critical race theory; Japan; racism; refugees; UNHCR.

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## **Introduction**

Japan has long been criticised for its trivial contribution to refugee acceptance. Therefore, the international community celebrated the announcement, in December 2008, that it would instigate a pilot phase of the Refugee Resettlement Programme (RRP). This paper contributes to the discussion about the socio-political significance of Japan's pilot RRP. It asks three related questions: why Japan adopted a RRP, why, despite its already humble objectives, has this program systematically failed to meet its targets, and whether this program indicates a significant shift in Japan's history of restrictive policies towards refugees and immigration more broadly. Insights from the field of critical race theory are particularly useful to shed light on the larger context of race in Japan; a context which we argue to be a key determinant for understanding the country's refugee policy. Only in such light can we tackle the overarching question of whether Japan's new refugee program signals an opening of the country to refugees and immigrants, a pressing question in light of Japan's declining population.

The paper builds on desk studies of the main literature and primary materials relating to Japan's contemporary and historical refugee policy. In order to complement

and at times clarify the limited information available on the socio-political context that led Japan to adopt the Pilot RRP specifically, the paper further builds on a key set of targeted interviews with relevant stakeholders.<sup>1</sup>

The paper is organised in five parts. The first section reviews literature on Japan's refugee policies and makes the case for critical race theory as a useful tool for an analysis of the RRP. The second part provides an overview of Japan's limited history of refugee acceptance. The third section examines how the pilot RRP was set up with highly restrictive selection criteria. The remainder of the paper analyses why the program was adopted and swiftly sabotaged. The last section of the paper reflects on this program in light of Japan's history of racism and demonstrates that despite the appearance of change, race issues continue to be solidly rooted in Japan's immigration policies.

### **The politics of embedded racism**

The literature on Japan's stance towards refugees is limited. It is primarily confined to significant historical periods, such as the post-WW II period and the Indo-Chinese refugee intake in the late 1970s, or to Japan's immigration regime from a legal perspective.<sup>2</sup> Nonetheless, a small cluster of contemporary studies examines the socio-political context of Japan's exceptionally restrictive policy towards refugees.<sup>3</sup> These chiefly focus on how national and international stakeholders – the international community to local non-governmental organisations (NGOs) and Japan's Ministry of Justice (MOJ) – have attempted to influence the country's refugee policies. Some scholars emphasise how the MOJ has been unresponsive to outside influence, holding on to its monopoly on decisions over refugee protection.<sup>4</sup> In such light, Japan's decision in 2008 to begin a pilot phase of the RRP is puzzling.

In addition to policy reports from stakeholders, a key set of scholars academic studies have begun to analyse the pilot RRP.<sup>5</sup> These studies have mainly focused on the thorny issue of refugee integration policies.<sup>6</sup> For instance, Yamashita has studied integration from the perspectives of resettled refugees<sup>7</sup> while more recently, Lee has

mapped how the state's failure to involve other actors has exposed refugees to difficult conditions.<sup>8</sup>

While these studies provide insights on the implementation process of this program, little is known about the broader socio-political context that explain why Japan has adopted the RRP or the significance of this program in light of the country's history of exclusionary policies. To address these questions, we draw on insights from critical race theory (CRT). CRT has most commonly been used to analyse cases in the United States, where a branch of CRT, white critical studies, examines whether 'white privilege exists, and what its components are'.<sup>9</sup> Although CRT has seldom been applied to case studies in which the privileged majority is non-white, a few scholars have begun to make the case for expanding CRT to societies without a white majority.<sup>10</sup> In the context of Japan, CRT is better framed within the myth of ethnic homogeneity, rather than race.<sup>11</sup>

Arudou warns that while Whiteness Studies may resonate with other societies, in the case of Japan, it is important not to bluntly substitute 'white' with 'Japanese' as the term:

[...] both entails ‘a Japanese citizen’ (a legal status which can include people of different races and ethnic backgrounds), and ‘a Japanese by blood’ (a racialized paradigm that can include, [...] people who do not have Japanese citizenship, such as Nikkei imported workers from South America).<sup>12</sup>

The term also ignores other constituents such as the country’s indigenous people of Hokkaido and Okinawa, or Japanese children born out of international relationships.<sup>13</sup> Likewise, racism in Japan also extends to ethnic minority groups who have Japanese nationality – notably, the long-term resident *Zainichi* Koreans.<sup>14</sup> In short, the myth of ethnic homogeneity – the idea of ‘Japanese-ness’ – has spurred discrimination against refugees and foreign migrants regardless of their background.

While some scholars have examined multiculturalism and discrimination in Japan, little has been written specifically from a CRT perspective.<sup>15</sup> Yet CRT challenges mainstream beliefs around race and racism in Japan and provides new insights on recent changes to refugee policy. Notably, CRT posits that historical and contextualised policy analyses can show how, despite the emergence of new discourses and policies, past

racial domination continues to be solidly rooted in legal frameworks.<sup>16</sup> Arudou, one of the rare authors to have applied CRT to Japan, sheds light on the normalisation of ‘embedded racialised paradigms’ behind the Ministry of Foreign Affairs’ visa allocation scheme, a process that he argues has long influenced the country’s immigration system.<sup>17</sup> In this vein, and building on Arudou’s insights, we argue that the failure of Japan’s pilot RRP to achieve its targeted intake numbers is deeply informed by the country’s embedded racialised paradigms.

### **Japan’s history of refugee assistance**

Japan’s history of refugee acceptance is abysmal. In the late 1970s, a trickle of refugees was finally admitted when the Cold War came knocking on the country’s door. The Indochina crisis triggered a wave of over three million refugees and Western states, especially the United States, urged the international community to take in refugees fleeing communist states<sup>18</sup>. Hence, Japan’s decision to accept 500 Indochinese refugees in 1978 was externally driven, as the country was under tremendous pressure to tackle

its lack of commitment to international refugee intake.<sup>19</sup> Amidst the crisis, Japan began to adopt *ad hoc* measures to accept Indochinese refugees – both as a first asylum country and as a resettlement state, Japan hosted a total of 11,071 refugees.<sup>20</sup> In 1981, three years after the initial intake of Indochinese refugees, Japan acceded to the 1951 Convention Relating to the Status of Refugees and its Protocol.<sup>21</sup> However, in the following years, Japan would accept only a hand full of refugees. Between 1978 and 2005, the country accepted only 376 additional refugees.<sup>22</sup> Of the 22,559 asylum applications received between 1982 and 2014, less than three per cent (633) have been granted refugee status.<sup>23</sup>

While the number of asylum seekers to Japan reached a record high in 2014 – almost a 20-fold increase in the last decade<sup>24</sup> – only 0.2 per cent of all applications that year were granted<sup>25</sup> (see Figure 1).

[Figure 1. *Asylum Applications (2010-2017)* around here]



By comparison, in 2014 the United States accepted 273,202 refugees, Germany 316,115, and the Netherlands 88,536.<sup>26</sup> In Germany, one person out of 255 is a refugee, in the United States, one out of 1,178, while in Japan, it is only one out of 51,161.<sup>27</sup>

In contrast to its low intake of refugees, Japan has remained one of the most generous donors to the UNHCR and other humanitarian organisations.<sup>28</sup> For Takizawa, a former UNHCR representative in Japan, such ‘checkbook diplomacy’ has long conveyed an implicit message to the international community: ‘we will give you money, please take care of refugees outside of Japan’.<sup>29</sup> By the end of the 1990s, the UNHCR, human rights organisations, international media outlets, and legal experts had become increasingly critical of Japan’s reluctance accept refugees.<sup>30</sup> The Economist observes that the country has a ‘stingy record on sheltering people fleeing conflicts of all kinds’<sup>31</sup> while Takahashi, a human rights lawyer, concludes that ‘Japan’s record at providing protection to refugees is dismal’<sup>32</sup>.

Japan's announcement in 2007 that it would establish a pilot phase of the RRP<sup>33</sup> and pledged to annually resettle thirty refugees was therefore astonishing.<sup>34</sup> Hailed as a turning point in Japan's exclusionary refugee policy, the move was even more significant given that Japan would be the very first Asian nation to join the RRP. For Cels, a UNHCR officer, the Pilot phase of the RRP was to be celebrated as 'a new chapter in Japan's strengthening of its refugee and asylum policies', further adding that 'not only does the country provide generous financial support for refugees in many parts of the world, but now also provides a future for refugees in the country'.<sup>35</sup> For Takizawa, the Programme finally moved the country away from the usual international 'Japan bashing',<sup>36</sup> and argued that the discourse around refugees in Japan was significantly improving.<sup>37</sup>

However, an examination of the negotiation process that led to the approval of the Pilot RRP and the narrow selection criteria embedded in the program indicates that the overarching optimism around the significance of Japan's decision was overstated.

### **An analysis of the pilot RRP**

Despite the program's humble objectives in comparison to the refugee resettlement rates of other high-income countries, by the end of the five-year trial phase in 2015, Japan had only accepted a total of eighty-six refugees. While it may be argued that in light of the country's abysmal record, *any* refugee intake in Japan is an achievement in itself, it is relevant to note that from the start, the idea of the RRP was 'sold' by the UNHCR to MOJ officials<sup>38</sup> on the grounds that it would only accept a small number of refugees,<sup>39</sup> hence the humble target of annually resettling thirty refugees. Additionally, the Pilot Programme was framed around selection criteria that were to further restrict the number of applicants, a process that challenged the very objective of the RRP.

The aim of any RRP is to offer refugee protection and a durable solution on the basis of *need* and as such, UNHCR is explicit in urging resettlement states 'not to use integration potential and other discriminatory selection criteria (e.g. family size, age, health status, ethnicity and religion)'.<sup>40</sup> The UNHCR further explains that:

Such discriminatory criteria undermine the needs based approach to resettlement, creating inequalities and protection gaps, and limiting the access of refugees most

at risk. There is international evidence that even the most vulnerable and disadvantaged refugees can successfully integrate over time with the right support. States are therefore encouraged to be responsive to UNHCR's humanitarian selection criteria focusing on those most at need [...].<sup>41</sup>

However, in contrast to UNHCR guidelines, Japan's pilot program had highly selective eligibility requirements. In fact, from the start, the humanitarian imperative was dismissed, both broadly – that is in the very definition of 'persecution' – and more specifically, in the criteria adopted for the Program.<sup>42</sup>

The 1951 Convention defines a refugee as someone who has a well-founded fear of persecution in their country of residence. While 'persecution' is not defined in the Convention or in any other international instrument, states do not have the liberty of arbitrarily expanding or narrowing the scope of their obligations as they see fit.<sup>43</sup>

Rather, Article 33 of the Convention infers that 'a threat to life or physical freedom constitutes persecution, as would other serious violations of human rights'.<sup>44</sup> Yet, the MOJ elected that 'persecution' only applied 'to those who would be killed for sure or be

imprisoned if they returned home'.<sup>45</sup> In short, for the MOJ, persecution refers only to 'threats to life and limb'.<sup>46</sup>

Additionally, three exclusive selection criteria were adopted by MOJ officials. Applicants would need to be Karen speakers, members of a nuclear family with few children, and able to secure employment. According to the MOJ, it focused on Karen people because they constituted the majority in UNHCR refugee camps in Thailand. The exclusionary criteria did curb significantly the recruitment process for the Pilot Project. In fact, throughout the entire duration of the pilot phase, the Programme systematically failed to meet its annual targets (see Figure 2). Altogether, only eighty-six people (eighteen families) were accepted into the Programme, sixty-four people short of the expected total of 150.

[Figure 2. *Number of People Accepted for Resettlement (Pilot RRP)* around here]

According to a former UNHCR officer in Bangkok, by the time the pilot RRP had begun many Karen refugees in Thailand had already been resettled in other countries,

leaving but a handful of refugees who met Japan's strict selection criterion.<sup>47</sup>

Moreover, during the recruitment campaigns in Thai refugee camps, these strict selection criterion were purposely advertised.<sup>48</sup> Although several families recommended by the UNHCR were rejected without any stated reasons, the MOJ did amend the selection criteria several times to increase its intake of refugees.<sup>49</sup> For example, it expanded the eligibility of candidates beyond the refugee camp of Mae La to other camps in Thailand.<sup>50</sup> Additionally, in 2013 the program was opened to Burmese speakers and the definition of 'family' was broadened to include parents and unmarried siblings.

While some stakeholders were quick to argue that asylum seekers themselves self-selected out of settling in Japan, this explanation remains weak in a contemporary context in which the number of asylum seekers has significantly increased. In fact, this politics of deterrence and the 'sabotage' of the pilot RRP is better understood within the larger context of race in Japan.

### **Embedded racism: 'Japanese-ness' and the pilot RRP**

Some commentators have argued that Japan's Pilot RRP significantly differs from past refugee policies in that for once, the decision was not externally driven and that therefore, it was not a cosmetic endeavour to serve the country's foreign policy objectives.<sup>51</sup> As stressed in the previous section of this paper, there is a consensus in the literature that the intake of Indochinese refugees more than thirty years earlier – the only significant entry of refugees in the country's post-war history – was 'imposed' on Japan by the international community. Undoubtedly, in adopting a pilot phase of the RRP, Japan sought to boost its international standing and hence serve its foreign policy objectives: the Programme would strengthen the country's international image and ultimately, trigger strong support from its allies, notably amidst Japan's renewed bid for a permanent seat at the United Nations Security Council.<sup>52</sup> However, in light of the dissuasive selection criterion built into the Programme, the argument remains unconvincing. In fact, and as discussed in this section of the paper, the intrinsic sabotage of the Project is better understood in light of an analysis that considers the long history of embedded racism at the heart of the MOJ's Immigration Bureau.

It is illustrative to note that in the late 1990s, then Director of the Immigration Bureau argued that he wished no refugee would come to Japan.<sup>53</sup> More recently, several studies on the monopoly of the MOJ over the refugee question, including recent evaluations of the implementation process of the Pilot RRP, show continuity in the Ministry's inherent lack of responsiveness to external pressures not only from non-state actors such as civil society, but also to the broader international community and the UNHCR.<sup>54</sup> Scholars such as Dean and Nagashima<sup>55</sup> as well as Flowers<sup>56</sup> have shown that the MOJ's policies have long fed exclusionary practices and discourses, leaving little voice for any other stakeholders, whether local NGOs or the UNHCR. Similarly, Akashi demonstrates that the MOJ's monopoly as the sole agency responsible for refugee protection goes a long way to explain why, despite being repetitively challenged over time, the country's refugee policies have remained unchanged.<sup>57</sup> In such light, Takizawa, the UNHCR Representative in Japan at the time of the negotiations around the Pilot RRP points out that from the start, it was clear that the idea of a Japanese RRP needed to be 'sold' to the MOJ.<sup>58</sup> This was a tremendous task given that the General Director of the Immigration Bureau saw the idea to be unpopular both by politicians and



the general public.<sup>59</sup> Crucially, the UNHCR had to market the project ‘from the point of view of the MOJ’.<sup>60</sup> In short, the UNHCR has to address the MOJ’s core ‘obsession’ over refugee intake: security.<sup>61</sup>

In Japan, refugees, and immigrants more broadly, have long been presumed to represent a threat to the country’s security, whether physically or to social cohesion. This embedded racism has been taking many forms, both discursively and in the realm of policies. In such light, it is unsurprising that issues of security and social cohesion drove the negotiation process leading to the adoption of the Pilot RRP. For instance, the MOJ needed assurance that it would be able to adequately ‘supervise’ the new intakes and therefore, it was decided that only thirty refugees would be resettled every year.<sup>62</sup> Likewise, the UNHCR had to reassure the MOJ that any prospective refugee relocated in Japan would have already underwent the UNHCR’s thorough background check and that it is within such pre-vetted pools of applicants that the government would then get to select ‘those refugees who Japan deems better fit for resettlement to Japan’.<sup>63</sup> Here, somewhat arbitrarily given that there exists absolutely no evidence of this, the MOJ elected that Karen people with nuclear family would be most likely to adapt to Japanese

society.<sup>64</sup> Broadly, this feeds into the long-cultivated myth of ‘Japanese-ness’ which stipulates that ‘integration into society is difficult, if not impossible, for non-Japanese’.<sup>65</sup>

The idea of ‘Japanese-ness’ was long in the making. Following two centuries of voluntary seclusion (1639-1867) the newly opened Japan sought to ‘catch up’ with the nineteenth century and to rapidly modernise. Russel observes that by the end of the nineteenth century, in its attempt to meditate its own racial and cultural identity, Japan was significantly influenced by Western discourse on race.<sup>66</sup> The country adopted the Social-Darwinism-led ‘cushy deliriums of Euro-American supremacy’, remoulding its identity notably in relation to its Asian neighbours.<sup>67</sup> Furthermore, at the heart of the Meiji era and amidst its quest for modernity, a discourse of unity around the imperial system was purposely constructed, hence creating the myth of a ‘Japanese people’ distinct from the ‘outsider’: ‘even social deviance and other thoughts inimical to current State goals (such as individuality and socialism) were attributed to being ‘foreign’ (as in, significantly, ‘not Japanese’), thereby discounted or excluded’.<sup>68</sup> The ‘racialisation process’<sup>69</sup> was significant during the Meiji era which saw important exclusionary

policies embedded in Japan's quest to settle its identity, as illustrated notably in the way that it attempted to construct nationality – the 1899 Nationality Law enshrined the 'blood-line' as the only means to acquire Japanese nationality.<sup>70</sup>

Following Japan's surrender after the Second World War, amidst intense reconstruction efforts, the myth of 'Japanese-ness' continued to be promoted for political interests, notably in the State's attempt to deal with the Korean immigrants remaining in the country, most of whom had been brought to Japan against their will during the War. While the majority of the two million Koreans that lived and worked in Japan during the War was compelled to return to their home country<sup>71</sup> following Japan's defeat, the remaining Korean immigrants,<sup>72</sup> who still held Japanese nationality at the time, began to tactically be described by the government as a threat to national security and to the economy.<sup>73</sup> Under the new Alien Registration Law (1947), this 'unmixing policy'<sup>74</sup> which was now well under way, transformed Koreans, but also Taiwanese residents, into 'aliens' and henceforth legally required them to register with the government<sup>75</sup> – this status would further be cemented with the adoption of the Nationality Act (1950) and the Immigration Control Act (1951).<sup>76</sup> Crucially however,

these post-war legal and discursive boundaries were to solidly enshrine the myth of

Japan's mono-ethnic identity. Shin observes that:

As the state formally codified the categorical boundaries between Japanese and Koreans, various public institutions followed the state's categorisation and excluded Korean accordingly. Consequently, Koreans were barred from becoming lawyers, teachers, nurses, bank officers, and public servants such as postal workers. They are also excluded from bank loans, scholarships, health and social benefits. [...] As a means of survival, many immigrants submitted themselves to cultural assimilation policy, to disguise their ethnic identity to avoid overt racism. The marginality of these colonial immigrants and their acculturation created an illusion of Japanese homogeneous nation and justified the exclusionary structure of Japanese society.<sup>77</sup>

For Morris-Suzuki this restructuring of the boundaries of nationality amidst a 'curious amnesia around – or a deliberate neglect of the country's colonial legacy has lingered on to become the source 'of continuing tensions beneath the apparently smooth surface of postwar Japanese nationhood'.<sup>78</sup> Immigrants and refugees have since been viewed as

‘outsiders’ in Japan, as temporary rather than permanent residents.<sup>79</sup> Deeply entrenched in this discourse is the idea that ‘others’ may altogether be disruptive to social harmony and cohesion<sup>80</sup>. The UNHCR reports that in Japan, ‘ethnic and cultural homogeneity has been sustained by strict controls on population movement and immigration’.<sup>81</sup>

### **Old wine in a new bottle?**

Today, the persistence of ‘Japanese-ness’ around questions over refugee intake and immigration more broadly suggest that the Pilot RRP did not forecast a significant change in the country’s policy.

It is illustrative to recall Manabe and Befu’s work to survey the persistence of *nihonjinron* in Japanese attitude back in the early 1990s.<sup>82</sup> In line with the idea of ‘Japanese-ness’, *nihonjinron*<sup>83</sup> is a body of discourse seeking to depict Japan as racially pure and unique.<sup>84</sup> Manabe and Befu divided their survey into four broad clusters: 1) Japanese as a homogeneous and unique people; 2) Japanese ‘blood’ as essential for mutual communication, mutual understanding, understanding of the culture and

appearance as Japanese; 3) ‘cultural competence’ or whether foreigners are capable of fully understanding Japanese culture or mastering the language and ; 4) ‘Social participation’, or whether the sociocultural territoriality of Japan should be defended and foreigners excluded in the areas of marriage, employment, teaching, and political and artistic leadership.<sup>85</sup> The authors concluded that while *nihonjinron* remained ‘the world view and the ideology of the establishment’, the data emerging from the survey could be viewed as a weakening of *nihonjinron*, given that the younger generations appeared to have increasing doubts about the concept when travelling abroad and having foreign friends. However, the authors also concluded that it may also be possible to ‘forecast a more conservative Japan increasingly favourably oriented toward *Nihonjinron*’ given that: ‘the conservative values of the society are not just accidentally associated with the establishment, rather they are there because they buttress the existing economic and political institutions’.<sup>86</sup>

More than a decade later, in the early 2000s, another study sought to assess whether the concept of *nihonjinron* was being challenged by a so-called emerging multicultural Japan.<sup>87</sup> In the study, Bruggess asked three questions: 1) does a popular ideology exist in

Japan that sees ethnic, cultural, and racial diversity together with migration as positive; 2) what kind of ‘multicultural’ policies have been adopted in the country, particular in terms of treatment of non-citizens and ethnic groups and; 3) are there a large number of migrants present in (and transforming) Japanese society.<sup>88</sup> Albeit carried out a decade later, Burgess’ conclusions echoed with Manabe and Befu’s more pessimistic forecast. Burgess concluded that by the turn of the century, Japan was not particularly multicultural in terms of either discourse, policy, or people. The author rather observed that there was a need to make a clear distinction between analyses that were wishfully predicting a multicultural Japan and the actual state of the country.<sup>89</sup>

Today, further fed by electoral politics and media frenzy, public perception of refugees and immigrants as a threat to security and social cohesion is on the rise.<sup>90</sup> It is worth noting that a 2006 Cabinet Office survey found that more than half of respondents were associating foreigners with a rise in crime despite the fact that in parallel to the country’s Lilliputian record of refugee intake, immigration in Japan has also remained abysmal. Between 1950 and 1990, the proportion of foreigners in the country has remained between 0.6 and 0.7 per cent, climbing to 0.9 per cent in 1995 and

reaching only 1 per cent in 2000.<sup>91</sup> According to the country's latest census (2015), while the proportion of foreigners in the country is now at its highest on record, it is only at 1.4 per cent.<sup>92</sup> Nonetheless, issues of racial discrimination have remained rampant.<sup>93</sup> While the Diet, Japan's national legislature, passed the Hate Speech Elimination Bill in May 2016, a recent government survey shows that nearly 40 per cent of foreign residents seeking housing in Japan reported having been turned down because they were not Japanese,<sup>94</sup> and one person in four reported discrimination while searching for employment.<sup>95</sup> And amidst increasing tensions with Japan's East Asian neighbours, this appears to be intensifying, including hostile sentiments against China.<sup>96</sup> Park bluntly observes that 'racism is one of Japan's gravest social problems'.<sup>97</sup>

In fact, like Burges concluded more than a decade earlier, practical and logical projections that Japan will have to become more open to migration – Japan's population is aging and shrinking – still remains 'politically and popularly "unsayable" and unthinkable'.<sup>98</sup> This directly speaks to Arudou's own conclusions that the persistence of embedded racism in Japan will be increasingly problematic for the country:



Japan's 'blind spot' towards accepting 'outsiders' will mean that its perpetual policy failure in countermanding 'embedded racism', by not acknowledging and effecting long-overdue legal protections for Japan's non-citizens, will continue for the foreseeable future.<sup>99</sup>

Likewise, it appears that predictions indicating that any forecast of significant changes to Japan's immigration policies are highly improbable unless the issue of race and discrimination is brought to the forefront of public and institutional discussions.

When pressed on the issue of Syrian refugees in 2015, Prime Minister Abe argued that the country would refrain from taking refugees in light of an internal 'crisis' now plaguing the country: 'before accepting immigrants or refugees, we need to have more activities by women, elderly people and we must raise our birth rate. There are many things that we should do before accepting immigrants'.<sup>100</sup> In direct continuity with past 'checkbook' practices, Japan pledged US\$1.6 billion in assistance for Syrians and Iraqis to meet what it refers to as its international responsibility to tackle the conditions that give rise to refugees in the first place.<sup>101</sup> Takahashi bluntly observes: 'The fact that

protecting refugees is an international legal obligation, not just one policy option states might want to consider when it suits them, never seems to have occurred to Abe'.<sup>102</sup>

## **Conclusion**

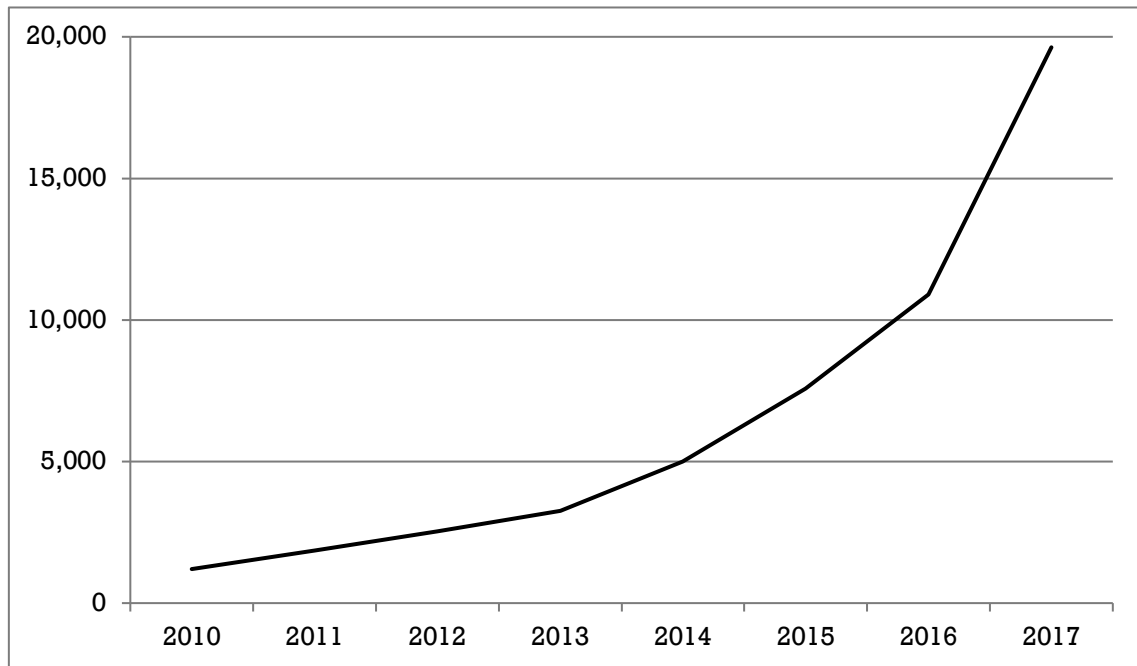
This paper has sought to contribute to the discussion over the socio-political significance of the instigation of Japan's Pilot RRP. Three questions were raised: why has Japan adopted the Pilot RRP in the first place and why, despite its already humble objectives, has the Program systematically failed to meet its targets? It then asked the broader question of whether the Programme could be seen as a significant shift in Japan's history of restrictive policies towards refugees – and immigration more broadly.

We argued that insights from the field of CRT can shed new light on these questions, suggesting that the context of race remains a key determinant for understanding the country's historical and contemporary refugee policies and discourse. The analysis has demonstrated that embedded racism was prevalent in decisions surrounding the Pilot RRP and as such, despite the appearance of change, racial domination continues to be solidly rooted in Japan's policies and discourses. Therefore,

any serious strategy to revamp immigration and refugee policies in Japan would need to bring the country's history of racism to the forefront of the discussion.

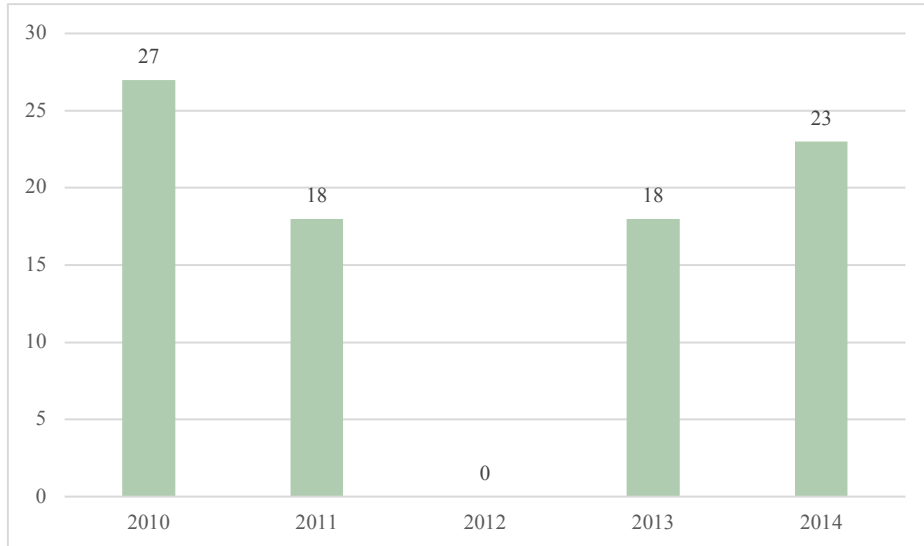
While it does appear that Japan is now willing to discretely allow more skilled migrants in the country,<sup>103</sup> recent figures on refugee intake show little change in past trends. In 2014, Japan's RRP was made permanent. It resettled eighteen refugees in 2015 and twenty-eight the following year. In 2017, Japan granted refugee status to 20 out of a record-high 19,629 applicants.<sup>104</sup> Here, like before, considerations relating to the human rights and social conditions of refugees were not prioritised. Once again, embedded racism percolates onto the issue. Suggestion that the majority of asylum seekers are 'fake refugees', migrant workers trying to abuse the nation's asylum system abound.<sup>105</sup> But this is not new for the country. It echoes with the late 1990s, when, in light of judicial challenges over the country's high rejection rate of asylum applications at the time, the MOJ argued that the majority of asylum applicants were attempting to exploit and 'abuse' the system either because they were economic migrants or illegal entrants.<sup>106</sup>

Figure 1. *Asylum Applications (2010-2017)*



Source: Authors.<sup>107</sup>

Figure 2. *Number of People Accepted for Resettlement – RRP Pilot Phase*



Source: Authors.<sup>108</sup>

<sup>1</sup> Interviews in Japan took place between July and August 2015 and included stakeholders from UNHCR Bangkok and Tokyo and officers from Japan's Ministry of Justice and the Ministry of Foreign Affairs. In August 2015, during a field visit to Mae Sot on the Thai-Myanmar border, NGO personnel working with refugees were also interviewed. In addition to the review of the limited academic literature on the topic, the paper builds on the analysis of reports from the Ministry of Justice and the Ministry of Foreign Affairs of Japan, international organisations and NGOs.

<sup>2</sup> See for example: Arakaki, O., 'Historical Aspects of Japan's Accession to the Refugee Convention and Protocol', *RJP/NZACL Yearbook*, no. 10 (2004): pp. 137-54; Dean, M., *Japan: Refugees and Asylum Seekers*, Report commissioned by United Nations High Commissioner for Refugees, Protection Information Section (February 2006); Morris-Suzuki, T., *Borderline Japan: Foreigners and Frontier Controls in the Postwar Era* (Cambridge: Cambridge University Press, 2010); Yamagami, S., 'Determination of Refugee Status in Japan' *international Journal of Refugee Law* 7, no. 1 (1995): pp. 60-83.

<sup>3</sup> See: Akashi, J., 'Challenging Japan's Refugee Policies', *Asian and Pacific Migration Journal* 15, no. 2 (2006): pp. 219-38; Aramaki, O., *Refugee law and practice in Japan* (Hampshire: Ashgate, 2008); Dean, M. and M. Nagashima, 'Sharing the Burden: The Role of Government and NGOs in Protecting and Providing for Asylum Seekers and Refugees in Japan', *Journal of Refugee Studies* 20, no. 3 (2007): pp. 481-508; Flowers, P. R., 'Failure to Protect Refugees?: Domestic Institutions,

- International Organizations, and Civil Society in Japan', *The Journal of Japanese Studies* 34, no. 2 (2008): pp. 333-61; Obi, N., 'A review of assistance programmes for asylum seekers and refugees in Japan', *New Issues in Refugee Research Paper*, no. 259 (2013) <http://www.unhcr.org/51f6680d9.html>; Morris-Suzuki, T., 'Beyond racism: Semi-citizenship and marginalisation in modern Japan', *Japanese Studies* 35, no. 1 (2015): pp. 67-84; Mukae, R., *Japan's refugee policy: To be of the world* (Fuецecchio: European Press Academic Publishing, 2001); Takizawa, S., 'The Japanese pilot Resettlement Programme: identifying constraints to domestic integration of refugees from Burma', in K. Koizumi and G. Hoffstaedter (eds.) *Urban Refugees: Challenges in protection, services and policy* (New York: Routledge, 2015b): pp. 206-240; Wolman, A., 'Japan and international refugee protection norms: Explaining non-compliance', *Asian and Pacific Migration Journal* 24, no. 4 (2015): pp. 409-31.
- <sup>4</sup> Flowers, 'Failure to Protect Refugees?'; Akashi, 'Challenging Japan's Refugee'.
- <sup>5</sup> Lee, S. K., 'The State, Ethnic Community, and Refugee Resettlement in Japan', *Journal of Asian and African Studies* 53, no. 8 (2018): pp. 1219-1234; Takizawa, S., 'Pilot Refugee Resettlement Program: Japan Experience', *FOCUS* 82, (December 2015a) <https://www.hurights.or.jp/archives/focus/section3/2015/12/pilot-refugee-resettlement-program-japan-experience.html>; Treviranus, B. and Osanami, S.T., 'A socio-economic review of Japan's resettlement pilot project', *New Issues in Refugee Research Paper*, no. 276, *UNHCR* (2015) <http://www.unhcr.org/558a5a4a9.pdf>
- <sup>6</sup> Also see: Osanami Törngren, S., 'Addressing humanitarian needs or pursuing political purposes? An overview of Japan's resettlement programme', in B. Suter and K. Magnusson (eds.), *Resettled and connected? Social networks in the integration process of resettled refugees* (Malmö: Malmö University, 2015): pp. 180-212; Takizawa, 'The Japanese pilot'.
- <sup>7</sup> Yamashita, N., 'The pilot refugee resettlement program in Japan: What is needed for the successful integration of resettled refugees?', *Toyo Eiwa University Bulletin* 11, no. 1 (2015): pp. 67-88.
- <sup>8</sup> Lee, 'The State, Ethnic Community'.
- <sup>9</sup> Delgado, R. and J. Stefancic, *Critical Race Theory: An Introduction* (New York: New York University Press, 2001), p. 12.
- <sup>10</sup> See for instance Arudou, D., "'Embedded Racism" in Japanese migration policies: Analyzing Japan's "revolving door" work visa regimes under Critical Race Theory', *Journal of Asia Pacific Studies* 3, no. 1 (2013): pp. 155-85; Levin, M., 'Essential Commodities and Racial Justice: Using Constitutional Protection of Japan's Indigenous Ainu People to Inform Understandings of the United States and Japan', *New York University Journal of International Law and Politics* 33, no. 2 (2001): pp. 419-526; Levin, M., 'The Wajin's Whiteness: Law and Race and Privilege in Japan', *Hōritsu Jihō* 80, no. 2 (2008): pp. 80-91; Matsuda, M., 'Looking to the Bottom: Critical Legal Studies and Reparations', *Harvard Civil Rights - Civil Liberties Law Review* 22, no. 2 (1987): pp. 323-400; Park, S., 'Inventing aliens: immigration control, 'xenophobia' and racism in Japan', *Race and Class* 58, no. 3 (2017): pp. 64-80.
- <sup>11</sup> Takenoshita et al. observe that in Japan, 'ethnicity, nationality and culture are more important than race for understanding discrimination against immigrants'. Takenoshita, H., et al., 'Segmented assimilation, transnationalism, and educational attainment of Brazilian migrant children in Japan', *International Migration* 52, no. 2 (2013): pp. 84-99.
- <sup>12</sup> Arudou, 'Embedded Racism'.
- <sup>13</sup> See Arudou, 'Embedded Racism'; Nakano, H., 'The Sociology of Ethnocentrism in Japan', in J.C. Maher and G. Macdonald (eds.), *Diversity in Japanese Culture and Language* (New York: Routledge, 1995): pp. 49-72. It is illustrative to note that several studies on Japanese public schools have shown the existence of prejudice and discrimination against Korean or Brazilian children by both Japanese children and teachers despite having ethnically Japanese parents. On the topic, see for instance: Moorehead, R., 'Defining Peruvians as a Problem: Ethnic Projects and Resistance at a Japanese Elementary School' *Proceedings of the Conference Ins and Outs of Migration: Migration and the Life-World in Global Asia*, Catholic University of Daegu, Korea, *Damunhwawa Ingan* 3, no. 1 (2014): pp. 31-60; Takenoshita, H., 'Circular migration and its socioeconomic consequences: the economic marginality among Japanese Brazilian migrants in Japan', in T.-C. Wong and J. Rigg (eds.) *Asian Cities, Migrant Labor and Contested Spaces* (London: Routledge, 2010); Takenoshita et al.

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- 'Segmented assimilation'; Tsuda, T., *Strangers in the Ethnic Homeland: Japanese Brazilian Return Migration in Transnational Perspective* (New York: Columbia University Press, 2003).
- <sup>14</sup> Park, 'Inventing aliens'.
- <sup>15</sup> See for example: Befu, H., *Hegemony of Homogeneity: An Anthropological Study of 'Nihonjiron'* (Melbourne: Trans Pacific Press, 2001); Moorehead, 'Defining Peruvians'; Shin, H., 'Colonial Legacy of Ethno-racial Inequality in Japan', *Theory and Society* 39, no. 3-4 (2010): pp. 327-342; Siddle, R., 'The limits to citizenship in Japan: multiculturalism, indigenous rights and the Ainu', *Citizenship Studies* 7, no. 4 (2003): pp. 447-462; Takenoshita, 'Circular migration'; Takenoshita, et al., 'Segmented assimilation'; Tsuda, *Strangers in the Ethnic Homeland*.
- <sup>16</sup> Möschel, M., 'Race in mainland European legal analysis: towards a European critical race theory', *Ethnic and Racial Studies* 34, no. 10 (2011): p. 1649.
- <sup>17</sup> Arudou, 'Embedded Racism'.
- <sup>18</sup> Aramaki, Refugee law.
- <sup>19</sup> See for instance: Akashi, 'Challenging Japan'; Dean, M., *Japan: Refugees and Asylum Seekers*, Report commissioned by United Nations High Commissioner for Refugees, Protection Information Section (February 2006); Mukae, R., *Japan's refugee policy: To be of the world* (Fucecchio: European Press Academic Publishing, 2001). According to Takizawa, a former United Nations High Commissioner for Refugees (UNHCR) representative in Japan, the acceptance of the Indochinese refugees was outright 'imposed' on Japan. Takizawa, S., 'Refugees and Human Security: A Research Note on the Japanese Refugee Policy' (2011) <https://bit.ly/2lzdCGZ>, p.30.
- <sup>20</sup> United Nations High Commissioner for Refugees, *The State of the World's Refugees 2000*, UNHCR (2000) <http://www.unhcr.org/3ebf9bad0.pdf>.
- <sup>21</sup> Back in 1951, during the only parliamentary debate on whether Japan would join the Convention, it was ultimately decided that the country did not need to sign the Convention as the latter was intended to deal with the specific situation in Europe. Dean and Nagashima, 'Sharing the Burden', p. 487. It is only in 1982 that Japan officially began to implement a refugee protection programme based on the Convention (Ministry of Foreign Affairs of Japan, '*Nanmin-mondai to nihon 3: nihon ni okeru nanmin no ukeire*' [Refugee issues and Japan 3: hosting refugee in Japan] (2009) <http://www.mofa.go.jp/mofaj/gaiko/nanmin/main3.html>). It is further worth noting that Japan is not a party to either the 1954 Convention Relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. See Flowers for an analysis of the dichotomy between the MOJ and the Ministry of Foreign Affairs' perspectives over the adoption of the Convention. Flowers, 'Failure to Protect Refugees?'.
- <sup>22</sup> As of December 31, 2005, only 376 people were accepted as conventional refugees. An additional 381 people were accepted under a 'special residence permit'. Akashi, 'Challenging Japan', p. 220.
- <sup>23</sup> Ministry of Foreign Affairs of Japan, 'Refugee' [Nanmin] (2015) <http://www.mofa.go.jp/mofaj/gaiko/nanmin.html/>. In addition to 'conventional refugees', Japan has also provided complementary protection and special permission to protect people who are not subject to the Convention but are unable to return to their home country (Obi, 'A review of assistance programmes). Also note that in Japan, the latter are not eligible to receive any of the assistance available to conventional refugees.
- <sup>24</sup> Wilson, T., M. Saito, M. Funakoshi and A. Miyazaki, 'Death in Detention: Grim toll mounts in Japanese detention centers as foreigners seek asylum', *Reuters* (8 March 2016) <http://www.reuters.com/investigates/special-report/japan-detention/>
- <sup>25</sup> Treviranus and Osanami, 'A socio-economic review', p. 13.
- <sup>26</sup> United Nations High Commissioner for Refugees, *UNHCR Global Report 2014*, Geneva, UNHCR (2015) <http://www.unhcr.org/556725e69.html>.
- <sup>27</sup> UNHCR, *UNHCR Global Report 2014*.
- <sup>28</sup> In 2015, it was the Organisation's fourth-largest governmental donor. UNHCR, *UNHCR Japan Fact Sheet 2015* (2016) <http://www.unhcr.org/5000196c13.html>. Japan's financial generosity bought the country substantial influence within the UNHCR. Ministry of Foreign Affairs of Japan, 'Refugee' [Nanmin] (2015) <http://www.mofa.go.jp/mofaj/gaiko/nanmin.html/>. Japan has also been generous with overseas development assistance. Amidst the Syrian refugee crisis, the country has disbursed, in 2015, US\$810 million for refugees and internally displaced people in the region and an additional

- US\$750 million to fund peace-building efforts in the Middle East and Africa. McCurry, J., 'Japan says it must look after its own before allowing in Syrian refugees', *The Guardian* (30 September 2015) <https://www.theguardian.com/profile/justinmccurry>.
- <sup>29</sup> Takizawa, 'Refugees and Human Security', p. 27.
- <sup>30</sup> Lee, 'The State, Ethnic Community'.
- <sup>31</sup> No Entry: Japan's asylum laws', *The Economist* (12 March 2015).
- <sup>32</sup> Takahashi, S., 'Self-interest argument for refugee admission backfires in Japan', *Open Democracy* (15 June 2016) <https://www.opendemocracy.net/en/openglobalrights-openpage/self-interest-argument-for-refugee-admission-backfires-in-japan/>.
- <sup>33</sup> Announced in 2007 and formally approved by the cabinet in 2008.
- <sup>34</sup> Initially, the Programme was set to last three years but was soon extended to five years, from 2010 to 2015.
- <sup>35</sup> Cited in Cited in McKinsey, K. and Y. Moriya, 'Welcome to Japan: first Asian country joins UNHCR's resettlement programme', *UNHCR News* (28 September 2010) <http://www.unhcr.org/news/latest/2010/9/4ca1dbe66/welcome-japan-first-asian-country-joins-unhcrs-resettlement-programme.html>
- <sup>36</sup> Takizawa, 'The Japanese Pilot'.
- <sup>37</sup> Takizawa, 'Refugees and Human Security'.
- <sup>38</sup> MOJ houses the Immigration Bureau. The latter handles administrative work concerning landing permission for temporary asylum, refugee status and the issuance of refugee travel documents.
- <sup>39</sup> Takizawa, 'Refugees and Human Security', p. 31.
- <sup>40</sup> Treviranus and Osanami, 'A socio-economic review', p. 9.
- <sup>41</sup> Treviranus and Osanami, 'A socio-economic review', p. 9.
- <sup>42</sup> Treviranus and Osanami, 'A socio-economic review', p. 16.
- <sup>43</sup> Maiani, F., 'The Concept of 'Persecution' in Refugee Law: Indeterminacy, Context-sensitivity, and the Quest for a Principled Approach', *Dossier du Grihl* (2010) <http://journals.openedition.org/dossiersgrihl/3896>
- <sup>44</sup> United Nations High Commissioner for Refugees, *UNHCR Resettlement Handbook*, Geneva, UNHCR (2011) <https://www.unhcr.org/46f7c0ee2.pdf>, p. 84.
- <sup>45</sup> Takizawa, cited in Tanaka, C., 'Japan's refugee-screening system sets high bar', *Japan Times* (21 May 2018) [https://www.japantimes.co.jp/news/2018/05/21/reference/japans-refugee-screening-system-sets-high-bar/#.XJVOTpXS\\_eQ](https://www.japantimes.co.jp/news/2018/05/21/reference/japans-refugee-screening-system-sets-high-bar/#.XJVOTpXS_eQ)
- <sup>46</sup> MOJ, cited in Tanaka, 'Japan's refugee-screening'.
- <sup>47</sup> Former Resettlement UNHCR officer, interviewed by Aya Murakami, 2015, Bangkok.
- <sup>48</sup> Former Resettlement UNHCR officer interview, Bangkok.
- <sup>49</sup> For details on these changes, see Treviranus and Osanami, 'A socio-economic review'.
- <sup>50</sup> In addition to Mae La, the camps were Nupo, Umpium, Mae Ra Ma Luang and Mae La Oon. However, since the actual Programme started in 2015, the location of the refugee camps has been changed to Malaysia.
- <sup>51</sup> On the topic, see Takizawa, 'Refugees and Human Security'.
- <sup>52</sup> See Koike, K., 'Nihon ha kawatta-ka?' [Has Japan changed?], *Nanmin Kenkyu Journal*1 (2011): pp. 48-64; Ministry of Justice, 'Regarding the number of recognition of refugees in 2014' [*Heisei 26 nen ni okeru nanmin nintei-sha su to ni tsuite*] (2015) [http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03\\_00103.html](http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03_00103.html). The country's aspirations towards this goal are not new. In 2004, Japan stepped up its efforts under Prime Minister Koizumi with the creation of the Group of Four – with Germany, India and Brazil. While the United States signalled that they would be supporting Japan's bid, China and South Korea's vocal opposition has let the country to step up its courtship with the international community. By the turn of the decade, Japan's Ministry of Foreign Affairs (MOFA) was optimistic, stating that there was now 'a new momentum' for the country's bid: 'Japan has demonstrated that it has the determination, willingness and capacity to take on further responsibility as a permanent member in a reformed Council, for the maintenance of international peace and security'. Ministry of Foreign Affairs of Japan, *Japan's*



- Position on the United Nations Security Council for the 21<sup>st</sup> Century* (Tokyo: MOFA, 2011). In July 2015, Prime Minister Abe stated that the Security Council reform ‘simply cannot wait’, while Foreign Minister Fumio Kishida argued that it is an ‘urgent task’, to expand the Security Council. Cited in Japan Times, ‘Japan elected for record 11<sup>th</sup> time to U.N. Security Council nonpermanent seat’, *Japan Times* (16 October 2015) <http://www.japantimes.co.jp/news/2015/10/16/national/politics-diplomacy/japan-elected-record-11th-time-nonpermanent-unscc-member-ukraine-also-gets-seat/#.WVwFSclLfeQ>
- <sup>53</sup> Yoshio Hatano, former Japanese Ambassador to the United Nations in Geneva. Cited in Takizawa, ‘Refugees and Human Security’, p. 27.
- <sup>54</sup> See for example: Akashi, ‘Challenging Japan’; Choi, G.W., ‘Asian Civil Society and Reconfiguration of Refugee Protection in Asia’, *Human Rights Review* (2019) <https://doi.org/10.1007/s12142-019-0548-4>; Dean and Nagashima, ‘Sharing the Burden’; Expert Group [Yushikisha Kaigi - Nanman Taisaku Renraku Chosei Kaigi]. ‘Report of council meetings regarding the third country resettlement’ [*Daisankoku teiju ni kansuru yushiki-sha kaigi houkokusho*] (2014) <http://www.cas.go.jp/jp/seisaku/nanmin/yusikishakaigi/pdf/houkoku.pdf>; Flowers, ‘Failure to Protect Refugees?’.
- <sup>55</sup> Dean and Nagashima, ‘Sharing the Burden’.
- <sup>56</sup> Flowers, ‘Failure to Protect Refugees?’
- <sup>57</sup> Akashi, ‘Challenging Japan’.
- <sup>58</sup> Takizawa, ‘Refugees and Human Security’, p. 31.
- <sup>59</sup> Cited in Takizawa, ‘The Japanese pilot Resettlement Programme’.
- <sup>60</sup> Takizawa, ‘Refugees and Human Security’, p. 31.
- <sup>61</sup> Takizawa, ‘Refugees and Human Security’, p. 31.
- <sup>62</sup> Koike, ‘Nihon ha kawatta-ka?’
- <sup>63</sup> Takizawa, ‘Refugees and Human Security’, p. 31. A 2008 memo from the Cabinet Secretariat further clarifies by stating that applicants would notably be selected based on their ‘ability to adapt to Japanese society and [...] to find a job sufficient to live their life and their spouse or child’.
- <sup>64</sup> Former Resettlement UNHCR officer interview, Bangkok.
- <sup>65</sup> Dean, *Japan: Refugees and Asylum Seekers*, p. 1.
- <sup>66</sup> Russell, J., ‘The Black Other in Contemporary Japanese Mass Culture’, *Cultural Anthropology* 6, no. 1 (1991): p. 15.
- <sup>67</sup> Russell, ‘The Black Other’, p. 15.
- <sup>68</sup> Gluck 1985, cited in Arudou, D., *Embedded Racism: Japan’s Visible Minorities and Racial Discrimination*, (Lanham: Lexington Books, 2015), p. 17.
- <sup>69</sup> Arudou’s work on the topic is extensive. See Arudou, *Embedded Racism*.
- <sup>70</sup> Morris-Suzuki observes that more inclusive options were earlier considered such as nationality being also offered to those born on Japanese soil as well as to children of Japanese fathers. Morris-Suzuki, ‘Beyond racism’, p. 70.
- <sup>71</sup> Aramaki, *Refugee law*.
- <sup>72</sup> Down to about 530,000 by 1947. See Surak, K., ‘Convergence in Foreigners’ Rights and Citizenship Policies? A Look at Japan’, *International Migration Review* 42, no. 3 (2008): p. 557.
- <sup>73</sup> On the topic, see Park, ‘Inventing aliens’.
- <sup>74</sup> Surak, ‘Convergence in Foreigners’, p. 557.
- <sup>75</sup> Park observes that until special permanent residency was finally legislated in 1991, the Japanese government treated Koreans in Japan ‘as foreigners who had to renew their status as residents once every one to four years. The police kept a record of their registration, and they lived under the threat of forced repatriation’. Park, ‘Inventing aliens’, p. 17. In fact, second and third generation Koreans were forced to register under Alien Registration until the mid-1980s, when protests intensified against this process. Also see: Nakano, ‘The Sociology of Ethnocentrism’, p. 67.
- <sup>76</sup> Morris-Suzuki further points out that the cluster of postwar reforms that came to shape the country as an ‘ethnically homogeneous nation’ was a process that not only excised colonial subjects from the body of the nation but also purposely excluded other groups, such as the Ainu. Morris-Suzuki, ‘Beyond racism’, p. 78.
- <sup>77</sup> Shin, ‘Colonial Legacy’, pp. 335-6.

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- <sup>78</sup> Morris-Suzuki, 'Beyond racism'.
- <sup>79</sup> Takenoshita et al., 'Segmented assimilation', p. 13.
- <sup>80</sup> Dean, *Japan: Refugees and Asylum Seekers*, p. 1. While the number of foreigners in Japan has doubled since the 1990s, today, less than two per cent of the total population was born in a foreign country. Statistics Bureau of Japan, 'Population transition (definitive number of December 2015, and the estimative number of May 2016)' [*Jinko suii (heisei 27 nen 12 gatsu kakutei-chi, heisei 27 nen 5 gatsu gaisan-chi)*] (20 May 2016) <http://www.stat.go.jp/data/jinsui/2.html>. There was a marked increase in immigration in the 1990s with the revision of the Immigration Control Act, the country's main post-war immigration legislation, and more recently, with the government's attempt to open the door to highly-skilled people. Mukae, *Japan's refugee policy*.
- <sup>81</sup> UNHCR, *The State of the World's Refugees*, p. 182.
- <sup>82</sup> Manabe, K. and H. Befu, 'Japanese Cultural Identity: An Empirical Investigation of Nihonjinron', *Japanstudien*4, no. 1 (1993): p. 94.
- <sup>83</sup> The concept of *nihonjiron* extends to many disciplines such as literature, architecture and psychology but also to a wide range of outlets (newspapers, television, radio, magazines and popular books). See Manabe and Befu, 'Japanese Cultural Identity'.
- <sup>84</sup> Dean and Nagashima, 'Sharing the Burden', p. 486. On the topic, also see: Befu, *Hegemony of Homogeneity*; Dean, *Japan: Refugees and Asylum Seekers*; Kosaku, Y., *Cultural Nationalism in Japan* (London: Routledge, 1992).
- <sup>85</sup> Manabe and Befu, 'Japanese Cultural Identity', p. 94.
- <sup>86</sup> Manabe and Befu, 'Japanese Cultural Identity', p. 100-101.
- <sup>87</sup> Burgess, C., 'Multicultural Japan? Discourse and the myth of homogeneity', *Japan Focus*5, no. 3 (2007): pp. 1-25.
- <sup>88</sup> Burgess, 'Multicultural Japan?', p. 5.
- <sup>89</sup> Burgess, 'Multicultural Japan?', p. 13.
- <sup>90</sup> However, Park observes that this is by no means a new phenomenon in Japan. In the immediate post-War period, recalls the author, the black market and criminal activity were associated both with returning migrants from Korea and Koreans residing in Japan. Park, 'Inventing aliens', p. 75. Also see: Burgess, 'Multicultural Japan?'; Dean, *Japan: Refugees*; Iwabuchi and Takezawa, 'Rethinking Race'; Treviranus and Osanami, 'A socio-economic review'.
- <sup>91</sup> Statistics Bureau of Japan 2015, 60.
- <sup>92</sup> The literature mapping discrimination based on race in the country is plural, whether in employment, education or housing. See Moorehead, 'Defining Peruvians'; Takenoshita, 'Circular migration'; Takenoshita et al., 'Segmented assimilation'.
- <sup>93</sup> Already in 2005, the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had expressed 'deep concerns over the rise of racist discrimination in Japan and insufficient recognition by the government of the problem'. Cited in Iwabuchi, K. and Y. Takezawa, 'Rethinking Race and Racism in and from Japan', *Japanese Studies*35, no. 1 (2015): p. 2. Fisher also observes that the country 'is conspicuous among the developed nations of the world in her lack of any specific legislative instrument focussed on comprehensively prohibiting discrimination on grounds of nationality or ethnicity'. Fisher, J.C., "'We the *kokumin*": the Constitution, International Law and the Rights of Foreigners in Japan', *Journal of Japanese Law*20, no. 39 (2015): p. 126.
- <sup>94</sup> See Suruga, T., "'No foreigners allowed": Survey shows heavy discrimination in Japan', *Nikkei Asian Review* (6 April 2017) <http://asia.nikkei.com/Japan-Update/No-foreigners-allowed-Survey-shows-heavy-discrimination-in-Japan>
- <sup>95</sup> Agence France Press, 'Not welcome: Japan refuses more than 99 percent of refugee applications', *The Telegraph* (4 May 2017) <http://www.telegraph.co.uk/news/2017/05/04/not-welcome-japan-refuses-99-percent-refugee-applications/>
- <sup>96</sup> Kubota, R., 'Neoliberal paradoxes of language learning: xenophobia and international communication', *Journal of Multilingual and Multicultural Development*37, no. 5 (2016): p. 470.
- <sup>97</sup> Park, 'Inventing aliens', p. 65.

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- <sup>98</sup> Burgess, 'Multicultural Japan?', p.12.
- <sup>99</sup> Arudou, 'Embedded Racism', p. 171.
- <sup>100</sup> Cited in McCurry, 'Japan says'.
- <sup>101</sup> McCurry, 'Japan says'.
- <sup>102</sup> Takahashi, 'Self-interest argument'.
- <sup>103</sup> Green, D. and Y. Kadoya, 'Contact and Threat: Factors Affecting Views on Increasing Immigration in Japan', *Politics and Policy* 43, no. 1 (2015): p. 60.
- <sup>104</sup> Ministry of Justice, 'Regarding the number of recognition of refugees in 2017' [Heisei 29 nen ni okeru nanmin nintei-sha su to ni tsuite] (2018)  
[http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03\\_00600.html/](http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03_00600.html/)
- <sup>105</sup> MOJ, cited in Tanaka, 'Japan's refugee-screening system'.
- <sup>106</sup> See Dean and Nagashima, 'Sharing the Burden', p. 495.
- <sup>107</sup> Data compiled from Immigration Bureau, 'Number of applicants recognized as refugees in 2017', Press Release (March 2018) <http://www.moj.go.jp/content/001255158.pdf> and Japan Lawyers Network for Refugees, 'Transition in the numbers regarding refugee recognition (1978-2014)' [*Nanmin nintei su to no suii (1978-2014)*] (n.d.)  
[http://www.jlnr.jp/stat/2014/rsd\\_stat\\_japan\\_2014\\_01.pdf](http://www.jlnr.jp/stat/2014/rsd_stat_japan_2014_01.pdf)
- <sup>108</sup> Data compiled from Ministry of Justice, 'Regarding the number'.